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TAGS: [ELAB](#) [KCRM](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [KPAO](#) [KTIP](#) [BU](#)
SUBJECT: BULGARIA--2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHE

REF: A. 2009 STATE 59732
[1](#)B. 2009 STATE 5577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Bulgaria of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Bulgaria and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Bulgaria of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Bulgaria's country narrative in the 2009 TIP Report:

BULGARIA (TIER 2)

Bulgaria is a source, transit, and, to a lesser extent, a destination country for men, women, and children from Ukraine, Moldova, and Romania trafficked to and through Bulgaria to Germany, Belgium, France, Italy, Spain, Austria, Norway, the Czech Republic, Poland, Greece, Turkey, and Macedonia for the purposes of commercial sexual exploitation and forced labor. Ethnic Roma women and children remain highly vulnerable to trafficking. Children are trafficked within Bulgaria and to Greece and the United Kingdom for the purposes of forced begging and forced petty theft. Around 15 percent of identified trafficking victims in Bulgaria are children. Bulgarian women and some men are trafficked internally, primarily to resort areas along the Black Sea coast and in border towns with Greece, for the purposes of commercial sexual exploitation and forced labor.

The Government of Bulgaria does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In 2008, the government maintained strong efforts to investigate, prosecute, and convict trafficking offenders, targeting some of the leaders of trafficking networks. The government also doubled the number of government-run centers available to assist child trafficking victims and opened a new adult shelter in April 2009. The government generally maintained the number of traffickers sentenced to time in prison, but it did not prosecute public officials complicit in trafficking over the last year.

Recommendations for Bulgaria: Vigorously investigate, prosecute, convict, and punish government officials complicit in trafficking; continue efforts to investigate, prosecute, and convict trafficking offenders and ensure that a majority of convicted traffickers serve some time in prison; continue to increase the number of victims referred by government officials for assistance; and continue to improve data collection and methods for assessing trafficking law enforcement statistics.

Prosecution

The Bulgarian government demonstrated strong anti-trafficking law enforcement efforts over the reporting period; however, it slightly decreased the number of traffickers sentenced to time in prison and it did not apply vigorously law enforcement measures to government officials complicit in trafficking. Bulgaria prohibits trafficking for both sexual exploitation and forced labor through Section 159 of its criminal code, which prescribes penalties of between one and 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. In 2008, police conducted 187 sex trafficking and 25 labor trafficking investigations, compared to 179 sex trafficking and 22 labor trafficking investigations conducted in 2007. In 2008, authorities prosecuted 79 individuals for sex trafficking and eight for forced labor compared to 78 persons prosecuted in 2007. In 2008, a total of 69 trafficking offenders were convicted --

66 for sex trafficking and three for labor trafficking offenses -- compared to 71 sex trafficking offenders and two labor trafficking offenders convicted in 2007. Twenty-five of the 69 traffickers convicted in 2008 served time in prison. Of those 25, twelve trafficking offenders were sentenced to up to three years' imprisonment, six were sentenced to from three to five years' imprisonment, and seven were sentenced to from five to 15 years' imprisonment.

There were continued reports of trafficking-related corruption during the reporting period. In autumn 2008, police arrested three municipal councilors in Varna for allegedly leading an organized human trafficking and money laundering group; the investigation was ongoing at the time of this report. In 2008, the government also investigated one police officer for complicity in trafficking. During the reporting period, the government closed its investigation launched in 2007 against a low-level border police officer allegedly involved in human trafficking. The Government of Bulgaria did not prosecute, convict, or sentence any government officials for trafficking during the reporting period.

Protection

The Government of Bulgaria increased its victim assistance and protection efforts during the reporting period. The government increased available assistance for child victims of trafficking by boosting funding for the number of government-run child-crisis centers from three to six in 2008; these centers provided rehabilitative, psychological, and medical assistance to identified child victims of trafficking. Approximately 25 child trafficking victims were assisted in government shelters in 2008. The majority of adult victims were assisted by privately funded NGOs, although the government did provide limited in-kind assistance to some anti-trafficking NGOs. In 2008, the Varna local government provided facility space and the National Commission for Combating Trafficking in Persons (the Commission) allocated \$13,000 to renovate and establish an adult trafficking shelter in that city; the shelter was opened in April 2009. In 2008, the government identified 250 victims of trafficking, including 38 minors, and referred all of them for assistance, compared to 288 victims of trafficking identified in 2007. Approximately 80 victims were assisted by NGOs during the reporting period. All victims in Bulgaria were eligible for free medical and psychological care provided through public hospitals and NGOs. Victims were encouraged to assist in trafficking investigations and prosecutions; victims who chose to cooperate with law enforcement investigators were provided with full residency and employment rights for the duration of the criminal proceedings, although no victims requested temporary residency permits during the reporting period. Foreign victims who chose not to cooperate with trafficking investigations were permitted to stay in Bulgaria for one month and 10 days before they faced mandatory repatriation. In 2008, seven victims participated in the police witness protection program. Victims were generally not detained, fined, or otherwise penalized for unlawful acts committed as a direct result of their being trafficked.

Prevention

The Bulgarian government maintained its strong efforts to prevent trafficking during the reporting period. In June 2008, the commission organized a campaign that educated 1,385 students through movie viewings and brochures about the danger of trafficking while looking for summer employment and travel. In September 2008, the commission also produced and distributed 20,000 informational leaflets with movie tickets for a film about human trafficking. In October 2008, the government launched an awareness campaign in more than 3,000 schools across the country and distributed 125,000 information cards to students to raise awareness about the dangers of trafficking. A local anti-trafficking commission

organized an exhibition of paintings produced by child victims of trafficking. In April 2009, Parliament amended Bulgaria's criminal code to punish clients of children in prostitution with of up to three years' imprisonment.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims' labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the

minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers' home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries' "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers' profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was Bulgaria given a ranking of Tier 2?

¶A. The Government of Bulgaria does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so.

Q2: What progress has Bulgaria made in the past year?

¶A. In 2008, the government maintained strong efforts to investigate, prosecute, and convict trafficking offenders, targeting some of the leaders of trafficking networks. The government also doubled the number of government-run centers available to assist child trafficking victims and opened a new adult shelter in April 2009. The government generally maintained the number of traffickers sentenced to time in

prison, but it did not prosecute public officials complicit in trafficking over the last year.

Q3: What can Bulgaria do to improve its fight against trafficking in persons?

¶A. To improve its anti-trafficking performance, the Government of Bulgaria could: Vigorously investigate, prosecute, convict, and punish government officials complicit in trafficking; continue efforts to investigate, prosecute, and convict and ensure that a majority of convicted traffickers serve some time in prison; continue to increase the number of victims referred by government officials for assistance; and continue to improve data collection and methods for assessing trafficking law enforcement statistics.

Q4: What sources does the State Department use for information?

A: The Department of State prepared this Report using information from U.S. embassies, foreign government officials, NGOs and international organizations, published reports, research trips to every region, and information submitted to tipreport@state.gov.

¶12. The Department appreciates posts' assistance with the preceding action requests.
CLINTON